

REMARKS/ARGUMENTS

Favorable consideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-5 are pending in the application, with Claims 6-15 cancelled by the present amendment.

In the outstanding Office Action, Claims 1 and 2 were rejected under 35 U.S.C. § 102(e) as being anticipated by Applicant's admitted prior art (pages 1-2 of the Specification); and Claims 3-5 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Applicant's admitted prior art (pages 1-2 of the Specification) in view of Kumar et al. (U.S. Patent No. 6,418,148, hereinafter Kumar).

Briefly recapitulating, Claim 1 is directed to a traffic control method for mobile data communications in a mobile communication system which uses spread signals including CDMA. The mobile communication system includes two types of communication channels including a common channel and a plurality of individual channels. The common channel is set to be used by a plurality of users together and each individual channel is set to be used exclusively by one user. The traffic control method includes a step of carrying out a communication, using the common channel and the individual channel, between a mobile radio terminal and a radio base station. The traffic control method also includes a step of carrying out an admission judgment for a shift from the common channel to the individual channel at the radio base station or the mobile radio terminal. This step of carrying out an admission judgment occurs when communication traffic at the mobile radio terminal is shifting from a sparse state to a dense state during the communication. The claimed method allows for improved communications quality and effective use of radio frequencies.¹

¹ Specification, page 3, lines 1-10.

Applicants' Admitted Prior Art describes a common channel being used when communications traffic is dense.² Applicants' Admitted Prior Art also describes call admissions at the radio base station and the mobile terminal.³ However, Applicants' Admitted Prior Art does not disclose Applicants' claimed step of carrying out an admission judgment for a shift from the common channel to the individual channel.⁴ Applicants have considered the Kumar reference and submit this reference does not cure the deficiencies of Applicants' Admitted Prior Art.

As none of the cited prior art, individually or in combination, disclose or suggest all the elements of independent Claim 1, Applicants submit the inventions defined by Claim 1, and all claims depending therefrom, are not anticipated and are not rendered obvious by the asserted prior art for at least the reasons stated above.⁵

Accordingly, in view of the present amendment and in light of the previous discussion, Applicants respectfully submit that the present application is in condition for allowance and respectfully request an early and favorable action to that effect.

Respectfully submitted,

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² Specification, second paragraph of Background as cited in Official Action.

³ Specification, third paragraph of Background as cited in Official Action.

⁴ Specification, fourth paragraph of Background.

⁵ MPEP § 2142 "...the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991)."